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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/759,635 | 01/12/2001 | Scott J. Kurowski | 68585 | 2245 |

22242 7590 01/13/2005

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CHICAGO, IL 60603-3406

EXAMINER

HARRELL, ROBERT B

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2142

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,635

Applicant(s)

KUROWSKI ET AL.

Examiner

Robert B. Harrell

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 37-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20020129.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: see attached Office Action.

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1. Claims 1-55 are presented for examination.
2. In response to the restriction requirement mailed 26 July 2004, the applicant elected claims 15-36 (Group III) for further consideration. However, since the applicant failed to traverse the requirement, nor presented arguments rebutting the requirement as wrong, the election of claims 15-36 is treated as an election without traverse and thus the 26 July 2004 restriction requirement is hereby made FINAL and incorporated in totality into this Office Action by reference and continues.
3. Claims 1-14 and 37-55 are withdrawn from further consideration.
4. Claims 15-36 remain for further consideration as herein.
5. The Oath and/or Declaration is defective as it lacks the signature of all inventors, specifically for Scott J. Kurowski.
6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The invention is more directed to distributing computer processing power across several client computers to process a subsection of an overall problem to obtain massively parallel processing.
7. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., clear antecedent bases for each word or phrase following either "the" or "said"). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.
8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.**
- (b) the invention was patented or described in a printed publication in this or foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.**

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9. Claims 15-36 are rejected under 35 U.S.C. 102 (a) and/or 35 U.S.C. 102(b) as being clearly anticipated by Peter Alfredsen Seti@Home FAQ.

10. In general, Seti@Home utilized spare CPU Idle time of client computers world wide via the Internet as currently claimed. While Peter Alfredsen did provide a date of publication (only as 1999), Lawrence Chiles covered SETI@Home as running on client machines and servers as of February 1999 and earlier.

11. With respect to claims 15-19, Alfredsen taught a method for use in a distributed computing system (e.g., see page 5 (1.1 What is SETI/SETI@home?)), comprising the steps of sending a request for a new task through a computer network to a first server (e.g., see page 26 (2.2) and/or the seti main server (i.e., the client requests to run the seti program and/or get a "New Work Unit")), the request including user identification information (e.g., client ID and or client's IP Internet Address); receiving module information, which included client information such as processor type (hence OS and thus SETI software version) and work unit identification, from the first server through the computer network in response to the request (e.g., see page 31 (2.14)), the module information including locator information for a second server in the computer network where a module can be obtained (e.g., see page 31 (2.14 "Berkeley Servers")); redirecting to the second server using the locator information; and receiving the module from the second server through the computer network (e.g., see page 31 (2.14)).

12. Per claims 18-20, see page 34-et el. for versions and/or "WU" (Work Unit) in the reference.

14. Per claim 21, see page 31 (2.14).

15. Per claims 22-24, see page 31 (2.14) "-stop after process" implies a start of the module.

16. Per claims 25 and 26, such would be an indication that a Work Unit was completed per page 31 (2.14) or was in the done state (SETI at home files on the client's computer also contain a "result" file and "state" file on the client's computer when running SETI screen saver on the client's computer which screen saver shows a series of red and blue bar graphs of three dimensional vectors for frequency, time, and power).

17. Per claims 27-36, these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above.


18. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

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19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey, can be reached on (571) 272-3896. The fax phone number for all papers is (703) 872-9306.

21. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.


ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142